

Minutes of Regular City Council Meeting of September 11, 2012  
One Twin Pines Lane

## **CALL TO ORDER 7:35 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Fire Chief Fry, Parks and Recreation Director Gervais, Human Resources Director Dino, Senior Planner DiDonato, Chief Building Official Nolfi, Environmental Consultant Knapp-Wollam, City Treasurer Violet, City Clerk Cook

### **PLEDGE OF ALLEGIANCE**

Led by the Public Safety Honor Guard in remembrance of 9/11

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Kathleen Beasley**, Belmont Library Manager, announced a new monthly adult Health Talk program at the library.

**Ellie Anderson**, Children's Library Services, noted that the Summer Reading Program had just concluded, and she outlined ongoing youth programs taking place at the library.

**Olivia Edwards**, Belmont resident, commented regarding the sign ordinance relative to the placement of real estate signs. She noted that it was unknown that a sign placed on private property was actually on an easement. She noted that fines would be passed on to owners who are trying to sell their homes.

**Paul Stewart**, SAMCAR (San Mateo County Association of Realtors), stated that the City Council discussed modifications to the sign ordinance at its July 24<sup>th</sup> meeting, including how right-of-way is measured. He noted that he has not been contacted, and he would like to meet with staff regarding this matter. He stated that he was told that enforcement would only be performed on egregious violations.

**Perry Kennan**, Belmont resident, commented regarding PERS (Public Employee Retirement System) costs, and regarding Generally Accepted Government Accounting Principles (GAGAP). He expressed a desire for a statement of unpaid liabilities in the City's monthly financial report, and that unfunded liabilities should be reported to the City Council on an annual basis.

### **AGENDA AMENDMENTS**

Mayor Warden recommended tabling the Consent Calendar until after the Public Hearings. Council concurred.

## **HEARINGS**

### **Public Hearing of the City Council Approving a Conceptual Development Plan/Rezoning for Crystal Springs Uplands School**

Community Development Director de Melo provided a background of this project, and reviewed the entitlements that would be required to build a school on Davis Drive. He described the Planning Commission's review and actions on this project. He pointed out that a resolution to approve the Mitigated Negative Declaration of Environmental Impact has been presented for action.

Senior Planner DiDonato provided an overview of the project. He reviewed the site plan, tree removal and replacement, as well as the proposed Development Agreement between the school and the City of Belmont. He noted that the school will provide a bond for future traffic mitigation, if needed. He explained that Crystal Springs Uplands School (CSUS) has committed to using union labor. He outlined the rezoning that would be required to accommodate the school. He explained that the environmental review is a separate process.

Consultant Knapp-Wollam stated that all environmental impacts can be mitigated to less than significant for this project. She noted that traffic and circulation is the biggest issue, and she explained that monitoring will be required for the life of the project, not just during construction. She clarified that the applicant would bear the cost for such monitoring.

**Mark Crane**, Crane Transportation, explained that five traffic studies were prepared for this project, and that significance criteria was developed which can be used for other projects. He noted that the west-bound turn lane at Davis Drive is likely not long enough, and that an east-bound right turn lane may be needed. He stated that on-site drop-off and pick-up was evaluated and would need to be monitored. He explained that changes to the timing of the signal at Ralston Avenue and Davis Drive could be made, as well as changes to the intersection itself. He clarified that the traffic study assumed full use of the existing buildings. He noted that peak traffic for Crystal Springs Uplands School is earlier than other uses in the area.

Senior Planner DiDonato outlined the findings to be made for the Conceptual Development Plan. He noted that the project's consistency with the General Plan is subject to interpretation and is dependent on community values. He noted that broad discretion can be used when interpreting these findings.

Councilmember Feierbach stated that if an east-bound right-hand turn lane is needed, there is no room, as the existing property ends at the sidewalk.

Consultant Crane explained that signage can be used to slow downhill traffic, and the Police Department would be needed for enforcement.

**Brian Jackson**, Hexagon Transportation (applicant's traffic engineer), described the assumptions that were made for the traffic analysis, and noted that full occupancy of the office park was utilized for comparison for the school. He explained that the analysis was performed using one-hour increments. He noted that the peak time would likely be different for office park use.

Discussion ensued regarding site distances.

Public Works Director Oskoui clarified that the slower speed limits are required only when children are present, not when school is in session.

In response to Councilmember Wozniak, Senior Planner DiDonato explained that fire-resistant plants would be incorporated on site, and some clearing would occur on the Waterdog Lake property.

Consultant Knapp-Wolliam explained the options regarding the future use of the monies set aside for traffic monitoring.

In response Council questions, Senior Planner DiDonato stated that the ratio of tree replacement is a discretionary item, and the applicant could be charged in-lieu fees instead. He noted that this matter would still be reviewed by the Planning Commission. He noted that 24-inch box trees would likely be the size to be planted.

Senior Planner DiDonato stated that if an eastbound right-turn lane is required, the land would need to be acquired, or the City would need to use eminent domain. City Attorney Rennie explained that this could be a component of traffic mitigation. He noted that it could be determined that CSUS's share for this cost is less than 100 percent, and the remainder of the cost borne by the City or passed on to a future developer on Davis Drive.

Discussion ensued regarding options for funding and installing a right-hand turn lane.

**Amy Richards**, Head of School (CSUS), noted that CSUS has been seeking a site for its middle school for ten years, and 12 properties have been assessed. She noted that CSUS has been responsive to concerns throughout the process. She described the proposed \$1 million one-time contribution and \$250,000 annual contribution to the City of Belmont, and she noted the public benefit of their project, including access to the all-weather soccer field. She pointed out that the monies that CSUS is offering exceed the existing property tax revenue.

Ms. Richards described the traffic study and noted that CSUS will generate less traffic than the existing uses. She explained that CSUS adjusted its starting and dismissal times to further mitigate traffic. She noted that CSUS's existing campus is adjacent to a residential neighborhood. She explained that the proposed new campus would reduce the amount of impervious surface that currently exists.

**Jim Wiess**, Kimley-Horn (applicant's traffic consultant), provided a photo simulation of the traffic study. He noted that the simulation assumed the use of individual vehicles and did not take into account carpools or shuttles.

**Alexander Quinn**, AECOM Economics, explained that he analyzed the viability of co-locating a school in an office park, and noted that the impact is neutral. He stated that the existing building would likely be torn down, as it would be difficult to convert due to the fact that it is outdated and contains asbestos.

In response to Councilmember Feierbach, Mr. Wiess described the issues with the existing floor plan, and noted that it is inefficient in its current configuration. He explained that it has been difficult to find a tenant for the entire site, as the majority of companies need less square feet.

In response to Councilmember Wozniak, Ms. Richards outlined the various accessory activities that would be taking place on campus, including athletics, clubs, fundraising, parent meetings, drama and music. She clarified that since the Belmont campus will not have a theater, that drama and music performances would be held at the Hillsborough campus.

Councilmember Feierbach expressed concerns regarding the communication that was mailed by CSUS to households in Belmont.

Ms. Richards stated that it is her belief that CSUS will be a good fit for Belmont and a good use of the existing site.

In response to Council questions, Ms. Richards described the use of the proposed pool and field by the high school students. She explained that swimming is a one-season sport at the high school level, and the middle school does not have a swim team, and would only use the pool for physical education purposes. She stated that the proposed parking is adequate, and that CSUS has entered into an agreement with Cengage to use its parking lot for evening activities. She stated that CSUS is committed to monitoring and mitigating future traffic issues, if necessary. She noted that the monies being given to the City of Belmont could be used for other Ralston Avenue improvements if not needed for CSUS-driven needs. She noted that the Hillsborough campus is capped at 350 students. She explained that a shuttle would be used to bring high school students to the middle school campus.

**RECESS: 9:40 P.M.**  
**RECONVENE: 10:00 P.M.**

Mayor Warden opened the Public Hearing. He explained the hearing process and noted that due to the volume of people wishing to speak, the City Council would not likely make a decision tonight.

**Mary Morrissey Parden**, Belmont Chamber of Commerce, stated that the use of this property by CSUS is the highest and best use, and she expressed support. She noted that the existing property could provide for up to 850 employees, and the CSUS use has less traffic impact and a smaller building footprint.

**Rosemary Lake**, Belmont resident, commented regarding the deceptive mailer received from CSUS. She noted that the school has offered little field use for the community, and suggested that the City Council ask for more money. She noted that a calendar of activities is needed.

**William Nack**, San Mateo County Building and Trades Council, expressed support for the project. He noted that the construction industry is experiencing a 25 percent unemployment rate, and that CSUS has agreed to use union labor which will result in quality construction.

**Bill Larsen**, Belmont resident, stated that it has been a burden for the City Council to get all of its questions answered. He stated that problems should not be fixed after the school is built. He commented regarding traffic, and noted that exiting traffic was not modeled in the presentation.

**Mike Cuneen**, Cignet, stated that vehicles currently use Davis Drive to drop off and pick up students at Ralston Middle School, and he expressed concerns regarding pedestrian safety.

**Jeff Whiteford**, Belmont resident, stated that there will be an impact with having a school adjacent to office use.

**Karin Hold**, Belmont resident, commented that the traffic data is flawed. She noted that a one-hour interval was used instead of 15 minutes, which spread the traffic numbers over a longer period of time. She stated that level of services will deteriorate to D and F. She does not support the project and questioned the credibility of the reports.

**Lois Peterson**, Belmont resident, stated that CSUS has used offensive tactics and that traffic concerns were not addressed in their mailer. She noted that speed and traffic issues exist already.

**Joseph Brennan**, Belmont resident, stated that CSUS's public relations efforts were not well received. He also stated that CSUS's option to purchase the buildings is the reason they are currently vacant. He noted that the \$1 million being offered will be worth less by the time it is received, and that the 2 percent cap is not likely to cover future COLA (Cost of Living Adjustment).

**Amanda Greco**, Belmont resident, expressed her support for the project. She noted that the school has proposed an environmental project which will mitigate fire hazards, and she pointed out that traffic volumes would be higher with full use of the existing property.

**George Zabelle**, Belmont resident, expressed concern regarding traffic, especially for access by emergency response vehicles.

**Stephen McCreadie**, Belmont resident, expressed concerns regarding traffic and safety, and access for emergency responders.

**Bruce Paris**, Belmont resident, commented regarding the negative impacts to adjacent property owners if the school is built. He noted that many proposed tenants of the office space do not want to be near the existing Ralston Middle School.

**Elena Franzoia**, Ralston Florist, commented that Ralston Middle School parents use Lassen and Davis Drives for drop-off and pick-up of students, which causes traffic to back up on Ralston Avenue. She stated that busses are needed to address existing traffic issues.

**John Moody**, Belmont resident, stated that mitigations are needed prior to constructing the pool. He also stated that the noise from this campus would not be same as Ralston Middle School, and he commented that the noise report was inadequate.

**MEETING EXTENSION:** At this time, being 10:30 p.m., on a motion by Councilmember Wozniak, seconded by Councilmember Feierbach, the meeting was unanimously extended by 30 minutes by a show of hands.

**Virginia Clemens**, Cignet Products, requested that the City Council keep the property a business park.

**Jeff Mannie**, Belmont resident, expressed support for the project and commented that the school would be a valuable asset to the community.

**Wendy Buckley**, speaking on behalf of Belmont resident Harold Kalkstein, stated that Mr. Kalkstein supports the project, and noted that CSUS has offered to mitigate traffic. He commented that CSUS has proposed an attractive, environmental, forward-thinking design. He noted that the existing office buildings have been vacant for several years. He also stated that private schools are an anchor for the community.

**Jill Grossman**, speaking on behalf of Belmont resident Jeff Hyman, stated that Mr. Hyman supports the project which makes use of unused properties, and that the monies offered by the school exceed the existing property taxes. He noted that Belmont is financially constrained, and the proposal will help fund essential services.

**Andrew Williams**, Belmont resident, stated that he opposes the project. He described existing traffic issues in the area, and expressed concern regarding noise.

**Charles Stone**, Belmont resident, stated that existing speed limits are not being enforced. He questioned the traffic impact of the existing buildings at full occupancy. He pointed out that it would take 28 years before \$250,000 in property taxes would be generated by the existing use. He commented regarding an email sent out by Councilmember Feierbach regarding CSUS's phone survey and its potential violation of the Do Not Call regulations.

**Heidi Hagler**, Belmont resident, stated that the City of Belmont is a pro-education community. She noted that it is easy to say no to projects and requested that the City Council find a way to say yes.

**Charles Allen**, Belmont resident, stated that CSUS would be a respectful and credible neighbor. He noted that there are no significant environmental impacts, and he supports the project. He stated that it would have a positive impact on property values and would bring revenue to the City.

**George Burgess**, Belmont Chamber of Commerce, stated that the Chamber of Commerce supports the project. He noted that it will bring other business to Belmont, and that CSUS is a nationally recognized institution. He pointed out that Belmont's demographics are changing and there are more kids.

**Kevin Sullivan**, Belmont resident, stated that there is a need to decide what is best for all in this emotional issue. He pointed out that the General Plan can be changed if it is what is best. He stated that the traffic impact is negligible and that the community will benefit from the use of the field.

**Steve Kelley**, Belmont resident, expressed support for the project. He noted that CSUS is a respected school and will be a good partner that will provide 28 years of tax revenue. He stated that CSUS will have minimal impact over the existing property use. He pointed out that CSUS has offered to allow field use by the community.

**Phil Wohl**, Belmont resident, stated that he has supported the project from the start. He pointed out the revenue being offered, and that there would be employment opportunities at the school.

**Ray Chau**, Belmont resident, stated that he is opposed to the project due to concerns about traffic and safety of student pedestrians.

**Clarissa Naftzger**, Belmont resident, expressed support for the project as a good addition to Belmont. She noted that CSUS has mitigated impacts and addressed concerns.

**Ray Bilsey**, Belmont resident, expressed support for the project, and noted that the small school will not have much impact. He stated that cars are able to get through the green lights on Ralston Avenue.

**Tom Snider**, Belmont resident, expressed support for the project, and suggested that the Development Agreement address concerns and offer protections. He noted that Davis Drive is not an ideal location for commercial property. He suggested that CSUS offer scholarships for Belmont residents, as well as a tutoring program with Ralston Middle School.

**MEETING EXTENSION**: At this time, being 11:00 p.m., on a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, the meeting was unanimously extended by 30 minutes by a show of hands.

**Jenny Bilsey**, Belmont resident, expressed support for the project. She noted that CSUS is a small school with no traffic impact. She noted that the existing Ralston Middle School has traffic issues.

**Mike Peterhans**, Belmont resident, stated that traffic issues will exist regardless of the use of property on Davis Drive, and that it could be less with the school. He noted that a future City Council is not likely to eliminate the financial part of the agreement. He pointed out that CSUS funds \$2 million in scholarships every year. He supports the project.

**Speaker** on behalf of Sue Tobachnik, Belmont resident, expressed support for the project and noted it will be an asset to the community. She commented that the number of Belmont students attending CSUS at this site would likely increase.

**Elsa Schafer**, Belmont resident expressed support for the project. She noted that many Belmont students have attended CSUS at its Hillsborough campus. She commented that when the Belmont-Redwood Shores School District canceled its gifted student program, her child's teacher recommended CSUS to her.

**Peter Lim**, on behalf of Davis Drive property owner Phillip Raiser, noted that Mr. Raiser was initially opposed to CSUS, but is now in support. He stated that after reviewing the analysis provided regarding the school's impact on existing Davis Drive properties, the project would be a benefit to Belmont.

**Hansha Masharani**, Belmont resident, described her children's experience as CSUS students, and noted that scholarships were provided. She stated that CSUS offers quality education and would provide another option for Belmont families.

**Jeff Selman**, Belmont resident, expressed his objection to the way that Hillsborough is being categorized by some of the speakers. He noted that many School Force members were present at tonight's meeting to speak in support of CSUS. He requested that the City Council show leadership in figuring out how to say yes to this project.

**Michelle Kelley**, Belmont resident, expressed support for CSUS, which is a quality school that will have a positive impact on the community. She spoke regarding her visits to the existing Hillsborough campus when she was a student and expressed her desire that children have the option to attend the Belmont campus. She noted that existing traffic is related to Ralston Middle School.

**Steve Welter**, Belmont resident, stated that he was initially opposed to the project and is now in favor. He stated that parking is adequate. He commented that if Fox and Ralston Schools have a Conditional Use Permit (CUP), the one for CSUS should follow those. He expressed a desire for the City Council to have vision.

**Sonali Inamdar**, Belmont resident, expressed support for the project. She noted that CSUS would provide a good option for Belmont students. She stated that her interaction with CSUS students has been positive.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Public Hearing was unanimously closed by a show of hands.

Mayor Warden indicated that due to the lateness of the hour, he questioned whether the City Council is prepared to make a decision on this matter this evening. He also indicated that the Applicant would have the opportunity for rebuttal.

Discussion ensued regarding whether or not to continue this matter.

Mayor Warden reopened the Public Hearing for the purpose of accepting rebuttal comments from the Applicant.



**Ann Richards**, Head of School (CSUS), stated that CSUS has learned about Belmont throughout this process. She indicated that the school is dedicated to being a good neighbor, and wants to bring value to the community.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Lieberman, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Wozniak, this matter was unanimously continued to October 9, 2012, by a show of hands.

**RECESS: 11:30 P.M.**

**RECONVENE: 11:38 P.M.**

**CONSENT CALENDAR (item continued from earlier)**

City Manager Scoles noted that the Consent Agenda includes a Resolution Approving a Memorandum of Understanding with the Mid-Management Confidential Employees Association (MMCEA), which provides significant concessions from that bargaining unit.

**Approval of Minutes of Special and Regular City Council Meeting of August 14, 2012**

**Motion to Receive Monthly Financial Reports**

**Introduction of Ordinance of the City Council Repealing and Replacing Section 5-24 of the Belmont City Code Which Establishes Animal Control Program Fees**

**Approval of Resolution 2012-091 of the City Council Establishing 25-Foot of "No Parking" Zone on Davey Glen Road East of the Driveway to 390 El Camino Real to Improve Sight Distance**

**Approval of Resolution 2012-092 of the City Council Accepting Work and As-Built Drawings, and Authorizing the Issuance of a Notice of Substantial Completion for the 2011 Storm Drain Improvement Project, City Contract Number 510**

**Approval of Resolution 2012-093 of the City Council Authorizing the City Manager to Execute a Professional Services Agreement with SCI Consulting Group to Perform a Parks & Recreation Impact Fee Analysis**

**Approval of Resolution 2012-094 of the City Council Approving a Memorandum of Understanding Between the City of Belmont and the Mid-Management Confidential Employees Association (MMCEA)**

**Approval of Resolution 2012-095 of the City Council Authorizing the City Manager to Renew the Contract with the Peninsula Conflict Resolution Center (PCRC) for Fiscal Year 2012-2013 for an Amount not to Exceed \$12,000**

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved by a show of hands.

**OTHER BUSINESS**

**Update Regarding City-Owned San Juan Hills Property Master Development Project**

Community Development Director de Melo stated that four responses to the Request for Proposal have been received regarding the San Juan Hills property owned by the City of Belmont. He explained that the City desires to recoup its initial capital outlay for this property.

He noted that presentations from the four entities would be scheduled at an upcoming Council meeting. He clarified that all four are aware of the desire for low density development.

Discussion ensued regarding the type of information that should be included in the presentations.

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL  
ASSIGNMENT UPDATES, AND STAFF ITEMS**

**Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee  
Assignments**

No report.

**Verbal Report from City Manager**

City Manager Scoles stated that there would be a ribbon cutting for the newly-renovated Cipriani Dog Park on September 21<sup>st</sup> at 6:00 p.m. He noted that a Coastal Cleanup event would be held at Twin Pines Park on September 15<sup>th</sup>. He announced that the Pedestrian Bike Bridge received two civil engineering awards.

City Attorney Rennie announced that the County ordinance banning the use of plastic bags would be adopted soon by the County Board of Supervisors.

**ADJOURNMENT** at this time being 11:58 P.M.

**Terri Cook  
City Clerk**

Meeting audio-recorded and videotaped.